

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JACKIE DELMAS MASON,

Petitioner,

v.

Case No. 18-cv-1351-pp

RANDALL HEPP,¹

Respondent.

**ORDER DENYING MOTION TO PROCEED WITHOUT PREPAYING
FILING FEE (DKT. NO. 2)**

On August 31, 2018, Jackie Delmas Mason, who is incarcerated at Waupun Correctional Institution and is representing himself, filed a petition for a writ of *habeas corpus* under 28 U.S.C. §2254 challenging his November 30, 2012 conviction in Milwaukee County Circuit Court for third-degree sexual assault and aggravated battery. Dkt. No. 1. With his petition, he submitted a motion to proceed without prepaying the \$5.00 filing fee, dkt. no. 2, and a prisoner trust account statement, dkt. no. 3. The trust account statement reflected that as of August 20, 2018, the petitioner had an end balance of \$61.46 and an average monthly balance of \$156.29. Dkt. No. 3 at 1.

¹ Under Rule 2 of the Rules Governing Habeas Cases, “[i]f the petitioner is currently in custody under a state-court judgment, the petition must name as respondent the state officer who has custody.” The petitioner is an inmate at Waupun Correctional Institution; this order reflects Warden Randall Hepp as the respondent.

The court notes that in addition to this *habeas* petition, the petitioner has two lawsuits pending in this court. See Case No. 19-cv-992 (E.D. Wis. July 11, 2019); Case No. 19-cv-1103 (E.D. Wis. July 30, 2019). In those cases, the petitioner also filed motions to proceed without prepaying the filing fee and the court examined his trust account statements. In Case No. 19-cv-992, the court found that the petitioner's trust account statement reflected an average monthly deposit of \$62.33 and an average monthly balance of \$149.22 and directed him to pay an initial partial filing fee of \$29.85. Case No. 19-cv-992, Dkt. No. 5 at 2. The court received that fee on July 29, 2019. In Case No. 19-cv-1103, the court recounted that the petitioner's trust account statement showed an average monthly balance of \$62.33 and an average monthly balance of \$150.47 and ordered him to pay an initial partial filing fee of \$30.09. Case No. 19-cv-1103 Dkt. No. 5 at 2. The court received *that* fee on August 12, 2019.

Based on the available information—the trust account statements in this case, in Case No. 19-cv-992 and in Case No. 19-cv-1103—the court will deny the petitioner's motion and order him to pay the filing fee by the end of the day on **March 1, 2021**.

The court will send a copy of this order to the Warden at Waupun Correctional Institution.

The court **DENIES** the petitioner's motion for leave to proceed without prepaying the filing fee. Dkt. No. 2.

The court **ORDERS** that by the end of the day on **March 1 2021**, the petitioner shall either pay the \$5.00 filing fee to the Clerk of Court for the

Eastern District of Wisconsin or file a written explanation explaining why he cannot do so. If the court does not receive either the \$5.00 filing fee or an explanation of why the petitioner cannot pay it by the end of the day on March 1, 2021, the court will dismiss the case without prejudice for failure to pay the filing fee.

Dated in Milwaukee, Wisconsin this 1st day of February, 2021.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge